

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TOLEDO MACK SALES &  
SERVICE, INC.,

Plaintiff,

v.

MACK TRUCKS, INC.

Defendant.

Civil Action No. 2:02-CV-04373-RLB

JURY TRIAL DEMANDED

---

MACK TRUCKS, INC.,

Counterclaim  
Plaintiff,

v.

TOLEDO MACK SALES & SERVICE,  
INC.,

Counterclaim  
Defendant.

JURY TRIAL DEMANDED

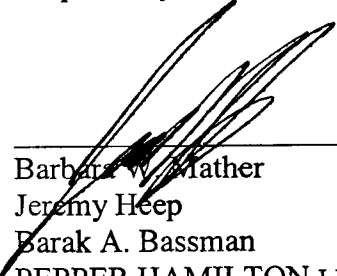
**PRAECIPE TO SUPPLEMENT DEFENDANT/COUNTERCLAIM PLAINTIFF  
MACK TRUCKS, INC.'S PROPOSED JURY INSTRUCTION**

TO THE CLERK:

Kindly attach the Proposed Supplemental Jury Instruction to Mack Trucks, Inc.'s  
Proposed Jury Instructions, Exhibit A of Defendant/Counterclaim Plaintiff Mack Trucks, Inc.'s

Pretrial Memorandum, which was filed with this Court on August 18, 2006.

Respectfully submitted,



---

Barbara W. Mather  
Jeremy Heep  
Barak A. Bassman  
PEPPER HAMILTON LLP  
3000 Two Logan Square  
Eighteenth & Arch Streets  
Philadelphia, PA 19103-2799  
(215) 981-4000

Dated: August 30, 2006

Attorneys for Defendant/Counterclaim Plaintiff  
Mack Trucks, Inc.

**MACK TRUCKS, INC.'S PROPOSED**  
**SUPPLEMENTAL JURY INSTRUCTION**

**Termination of Toledo Mack Sales & Service, Inc.**

It has been established as a matter of law that Mack had good cause to terminate the dealership of Toledo Mack because Toledo Mack provided a database called MACSPEC 2001 to PAI Industries, Inc. Therefore, you are instructed that Mack's termination of Toledo Mack is not evidence to support any of Toledo Mack's claims.

**CERTIFICATE OF SERVICE**

I, Jeremy D. Heep, hereby certify that on this 30<sup>th</sup> day of August, 2006, a true and correct copy of the foregoing Praecipe to Supplement Defendant/Counterclaim Plaintiff Mack Trucks, Inc.'s Proposed Jury Instructions was served via hand delivery upon the following counsel:

J. Manly Parks  
Duane Morris LLP  
30 South 17<sup>th</sup> Street  
Philadelphia, PA 19103

\_\_\_\_\_  
Jeremy D. Heep

A handwritten signature in black ink, appearing to read 'J. Heep', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the left.